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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,190	12/09/1999	BRADLEY CAIN	120-185	8564
34845 7590 06/12/2007 McGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			EXAMINER VO, LILIAN	
			ART UNIT 2195	PAPER NUMBER
			MAIL DATE 06/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/458,190	<b>Applicant(s)</b> CAIN, BRADLEY	
	<b>Examiner</b> Lilian Vo	<b>Art Unit</b> 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/21/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3 - 6, 8 - 11 and 13 - 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3 - 6, 8 - 11 and 13 - 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1, 3 – 6, 8 – 11 and 13 – 15 are pending. Claims 2, 7 and 12 have been cancelled.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claims 3 and 5** recite the limitation "the operating system task". There is insufficient antecedent basis for this limitation in the claim.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3 - 6, 8 - 11, and 13 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sand et al. (US 6,148,322, hereinafter Sand) in view of Applicant Admitted Prior Art (hereinafter AAPA).

6. As to **claim 1**, Sand teaches a computer implemented method for expediting a selected operation in a computer system (abstract: execute high priority task), the method comprising:

associating a plurality of routing operations (communications instructions) with an operating system routing task (communications tasks), the plurality of routing operations including the selected operation (col. 3 lines 56 - 66);

executing the operating system routing tasks at a low priority level prior to performing the selected operation (col. 2 lines 52 – 55: low priority communications instructions received by the high-priority communications tasks are then transferred to the low-priority communications task for processing. Col. 3 lines 61 – 65); and

raising the operating system routing task to a high priority level in order to perform the selected operation in response to a detection of a trigger condition indicating that the selected operation is to be performed (col. 2 lines 12 – 16: execute higher priority task upon the received satisfaction of the request condition. Col. 3 lines 61 – 63), wherein the raising the operating system routing task to the high priority level causes the operating system routing task to execute without being interrupted by at least one other operating system task running at the low priority (col. 2 lines 16 – 20, col.4 lines 18 - 29).

Sand did not clearly disclose the triggering condition comprises a link state advertisement protocol message. Nevertheless, a link state advertisement routing protocol message is considered well known and disclosed in AAPA on page 1 lines 19 – 31. Therefore, it would have been obvious for one of an ordinary skill in the art, at the time the invention was made to incorporate the link state routing protocol message with Sand's high priority tasks to be performed once the request condition is met (Sand: col. 2 lines 12 – 16).

7. As to **claim 3**, as modified Sand teaches the operating system task is a routing task (Sand, col. 3 lines 56 – 66: communications tasks. AAPA, page 1) and wherein the link state advertisement protocol message includes link status information (AAPA: page 1 lines 19 - 24).

As to **claim 4**, as modified Sand teaches that when a node receives a LSA message, the node updates its topology information database by running a special algorithm to determine the routes based upon the updated topology information wherein a well-known algorithm for determining the routes is a Dijkstra shortest path algorithm (AAPA: pg. 1, lines 26-30).

8. As to **claim 5**, as modified Sand teaches lowering the operating system task to the low priority level upon completion of the selected operation (col. 2 lines 12 – 20, col. 4 lines 41 – 54: if the elapsed execution time is exceeded, the high priority task is aborted and will not be resumed until a user selected deactivation time elapsed).

9. As to **claims 6, 8 – 11 and 13 - 15**, they are rejected on the same ground as stated in claims 1 – 5 above.

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1, 6 and 11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 571-272-3774. The examiner can normally be reached on Thursday 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lilian Vo  
Examiner  
Art Unit 2195

lv  
June 7, 2007

  
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